IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF FEBRUARY
TWO THOUSAND AND SIX
: PRESENT:
THE HON'BLE MR JUSTICE: **C.V.RAMULU**

CONTEMPT CASE NO: 1 of 2006

(Contempt Case Under Section 10 to 12 of Contempt of Courts Act to punish the Respondents herein for their willful and deliberate vi1olation of the orders dated: 23-11-2005 passed in SAMP NO. 2899 of 2005 in S.A. No. 1186 of 2005)

Between:

1. Sheri Narsimhulu, S/o. Kistaiah.
2. Smt. Sayamma, Wo. Chandraiah.
3. S. Ananthaiah, S/o. Chandraiah.
4. S. Sathyanarayana, S/o. Chandraiah.
5. S. Vittalaiah, So. Chandraiah.
6. S. Ramulu, S/o. Chandraiah.
7. S. Anjaneyulu, S/o. Chandraiah.
8. Sheri Rukkamma, W/o. Late Shivaiah.
9. Sheri Venkataiah, S/o. Shivaiah.
10. Sheri Janardhan, S/o. Shivan.

(All are R/o. Reddypally Village, Moinabad Mandal, R.R. District)

..... Petitioners

AND

1. Mamidipally Vittal Reddy S/o. Achireddy
2. Mamidipally Narayana Reddy S/o. Kistareddy,
3. Govindagari Narayana Reddy S/o. Achireddy
4. Chakali Laxmaiah S/o. Shivaiah,
5. Kunde Kistaiah S/o. Venkanna,
6. Pichakuntla Ramaiah S/o. Jangaiah,
7. Gaddam Pochaiah S/o. Papaiah
8. Sheri Chandraiah (died) per LRs
9. Sheri Suraiah, So. Kistaiah.

(All are R/o. Reddypally Village, Moinabad Mandal, R.R. District)

.....Respondents

The Contempt case coming on for orders upon perusing the Case and the affidavit filed herein and upon hearing the arguments of Mr. **M.R.S. SRINIVAS,** Advocate for the petitioner and of Mr. SAI GANGADHAR CHAMARTY, Advocate for the respondents, the Court made the following

ORDER:

"This Contempt Case is filed complaining willful disobedience on the part of the respondents of the orders passed by this Court in SAMP. No. 2899 of 2005 in S.A. No. 1186 of 2005 dated: 23-11-2005.

It is the case of the petitioner in the contempt Case that in spite of the orders passed by this Court categorically stating that the respondents herein shall not cut the trees, they have cut the trees on 27-11-2005 flouting the orders of this Court in the above SAMP, therefore, they are liable to be punished under the Contempt of Courts Act, 1971.

The respondents filed counter denying the allegations made by the petitioner. Therefore, when the counsel was asked to file a detailed counter whether the respondents cut the trees or not, an additional counter affidavit is filed. In para 3 of the said additional counter, it is categorically asserted that:

"In reply to the averments in para 4 (wrongly given as para 2 in petitioners' affidavit that the respondents without referring to the orders passed by this Hon`ble Court dated: 27-11-2005 cut and removed the trees standing on the land worth more than Rs. 1.00 lac is specifically denied as the same are false and concocted. The respondents herein had not cut and removed the trees as alleged by the petitioners. The further allegation that the respondents herein at the instance of the local political leaders sought to pressurize the police not to book a case is also denied. The petitioners herein are put to strict proof of all the allegations referred in his affidavit".

The learned counsel for respondents also asserted that even as on today, the trees, which are standing on the land as on the date of passing of the order, were not cut and removed as alleged by the petitioners.

In this view of the matter, the learned Principal District and Sessions Judge, Ranga Reddy District is directed to entrusted the matter to the Magistrate concerned, who shall inspect and conduct an enquiry in to the matter as to whether any trees standing as on the date of passing of the order dated: 23-11-2005 in SAMP. No. 2899 of 2005 in SA. No. 1186 of 2005 have been cut and removed from the fields in question. If any trees were cut and removed, the learned Magistrate shall enquire into as to who or at whose instance the trees were cut and removed. The learned Magistrate shall also take cognizance of the F.I.R. filed by the Police concerned and submit a report to this Court within a period of six weeks from the date of receipt of a copy of this order.

Post the matter after six weeks".

DEPUTY REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal District and Sessions Judge, Ranga Reddy District, L.B. Nagar, Hyderabad. (BY SPECIAL MESSENGER with a copy of petition and affidavit)

2. Mamidipally Vittal Reddy S/o. Achireddy, R/o. Reddypally Village, Moinabad Mandal, R.R. District
3. Mamidipally Narayana Reddy S/o. Kistareddy, R/o. Reddypally Village, Moinabad Mandal, R.R. District
4. Govindagari Narayana Reddy S/o. Achireddy, R/o. Reddypally Village, Moinabad Mandal, R.R. District
5. Chakali Laxmaiah S/o. Shivaiah, R/o. Reddypally Village, Moinabad Mandal, R.R. District
6. Kunde Kistaiah S/o. Venkanna, R/o. Reddypally Village, Moinabad Mandal, R.R. District
7. Pichakuntla Ramaiah S/o. Jangaiah, R/o. Reddypally Village, Moinabad Mandal, R.R. District
8. Gaddam Pochaiah S/o. Papaiah, R/o. Reddypally Village, Moinabad Mandal, R.R. District.
9. Sheri Suraiah, So. Kistaiah, R/o. Reddypally Village, Moinabad Mandal, R.R. District. (ADDRESSEES 2 TO 9 BY RPAD)
10. One spare copy.

Ksv

HIGH COURT

Ksv
Date of drafting: 18-02-2006

CVRJ

DATE: 13-02-2006

NOTE: POST THE MATTER AFTER SIX WEEKS

ORDER

CC. No. 1 of 2006

DIRECTION